

# Kentucky's Environment

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 1

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **EQC Budget Eliminated - Cabinet to Provide Temporary Funding**

The Environmental Quality Commission (EQC) suffered a devastating budget cut during the 2003 legislative session. After 31 years of providing a voice for the public in state decision making, the EQC general fund budget for July 2003 through June 2004 was eliminated during the session. The governor and the Natural Resources and Environmental Protection Cabinet (NREPC), however, have indicated that they will provide support to EQC for one year, although not at current levels.

EQC would like to thank the hundreds of Kentuckians who expressed their support of EQC to legislators and the governor. It is the [continued page 2, see EQC Budget Eliminated](#)

The EQC has created an online Guest Book at [www.kyeqc.net](http://www.kyeqc.net) to allow the public to express support for the commission and adequate funding for environmental programs. Please visit the [EQC Guest Book](#) to voice your support for EQC and to offer your views about environmental issues and needs in the state.

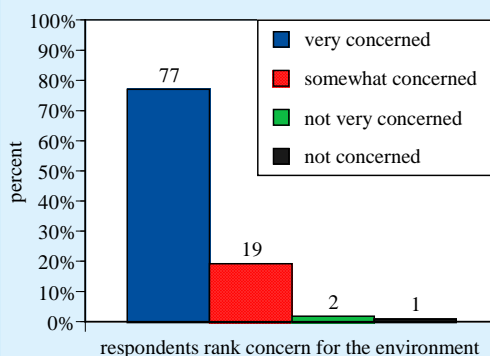
## **Kentuckians Voice Concerns About Environment**

Kentuckians are greatly concerned about the environment, according to a nonscientific poll conducted by the Kentucky Environmental Quality Commission (EQC). EQC conducted the public opinion poll between June and December of 2002 to provide Kentuckians an opportunity to express their concerns to state officials on environmental matters.

The poll revealed that 96 percent of the 1,600 people responding were concerned about environmental issues in their communities and the state. Of this total, 77 percent said they were very concerned and 19 percent said they were somewhat concerned. Only three percent expressed little to no concern about environmental issues.

[continued page 8, see Kentuckians Voice Concerns](#)

Public Concerns About Environment



## **In this Issue:**

[Kentuckians  
Recognized for  
Efforts to Protect  
the Environment - p. 3](#)



[Siting Board Denies Permit  
for Clark County Power  
Plant - pg. 4](#)

[Thoroughbred Generating  
Station Seeks Special Waste  
Landfill Permit - p. 5](#)



[EQC to Discuss Budget Cuts  
and Impacts on  
Environmental Programs  
- p. 7](#)

## **EQC Commissioners:**

Aloma Dew, Chair,  
*Owensboro*  
Betsy Rudd Bennett, Vice  
Chair, *Louisville*  
Gordon Garner, *Prospect*  
Lindell Ormsbee, *Lexington*  
Gary Revlett, *Shelbyville*  
Jean Dorton, *Paintsville*  
Patty Wallace, *Louisia*

Visit the EQC Web Site at <http://www.kyeqc.net>

[Contact EQC](#)

# ***Kentucky's Environment***

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 2

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **EQC Budget Eliminated**

*[continued from page 1](#)*

commission's hope to have its budget restored in the 2004 legislative session.

The NREPC also saw a 7.1 percent reduction in general funds for fiscal year 2004. The impacts of the cabinet's budget reduction will likely include delays in conducting inspections, responding to complaints and issuing permits. For more information about the budget and its impact to state environmental programs, attend the EQC May 8 public meeting ([page 7](#)).

*[Editorial Reprinted with permission from the Lexington Herald-Leader, Tuesday, April 22, 2003](#)*

### **Protect environment - Watchdog agency gets reprieve; secure its future**

One reason to celebrate this Earth Day: Kentucky's Environmental Quality Commission will be around to celebrate next Earth Day. The environmental watchdog looked to be dead when smoke cleared from the recent General Assembly. A casualty of the tight budget, the EQC fell to sniping between the Republican Senate and Democratic Gov. Paul Patton.

But the EQC may rise stronger than ever from what turned out to be a near-death experience. Lawmakers and other state officials were surprised by the broad show of support for preserving the EQC. And they heard not just from the usual environmentalist suspects but from a broad range of individuals and interests.

With its paid staff of four and seven citizen-commissioners, EQC serves as the public's eyes and ears and gives ordinary Kentuckians a voice in environmental matters affecting their families' and communities' health. Patton gave EQC a reprieve by telling environmental Secretary Hank List to fund the agency through the Cabinet for Natural Resources and Environmental Protection, something List says he'll do despite the cabinet's own money problems.

This arrangement is not ideal. EQC shouldn't be dependent on the cabinet on which it's supposed to keep watch. And the full \$253,700 that was in the House budget won't be available. EQC should have its own line in the state budget, a point Patton tried to make when he vetoed the Senate provision that did away with EQC's budget line and told the cabinet to find funding within its emaciated budget.

The many supporters who helped keep EQC alive must make sure it has its own line in the next budget.

## **EQC News**

### **Gordon Garner, Dr. Lindell Ormsbee Appointed to EQC**

Gov. Paul Patton has appointed Gordon Garner and Lindell Ormsbee to EQC for four-year terms through Jan. 1, 2007. Garner, a resident of Prospect in Metro Louisville, is a professional civil engineer who retired last year after serving 18 years as Director of the Louisville Jefferson County Metropolitan Sewer District. Since he retired, Garner has served as a consultant to China advising the country on wastewater issues. He also is a board member on the Ohio River Sanitation Commission. Dr. Ormsbee, a resident of Lexington and a native of Hopkinsville, is a Raymond-Blythe endowed professor of civil engineering at the University of Kentucky and currently serves as the associate director of the Kentucky Water Resources Research Institute. Ormsbee has served as a visiting scholar with the Division of Water, assisting the state transition to a watershed management framework. In addition to being a licensed professional engineer, he is the only surface water hydrologist in Kentucky to be certified by the American Institute of Hydrology.

# ***Kentucky's Environment***

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 3

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## ***EQC News***

### **EQC Recognizes Outstanding Efforts of Kentuckians**



A college president, a Kentucky author and a Winchester company that produces a popular soft drink are among those who received Earth Day awards from the Kentucky Environmental Quality Commission (EQC).

The awards recognize Kentuckians for their outstanding commitment and service in protecting the environment. The EQC honored 15 award winners on April 14, 2003, during a ceremony to celebrate the 33rd anniversary of Earth Day at the Governor's Mansion in Frankfort.

**Larry Dwight Shinn, President of Berea College - PUBLIC SERVICE AWARD.** For his strong commitment to sustainable living and the creation and development of the Berea College Ecovillage.

**Ale-8-One and President/CEO/Owner Frank A. Rogers, Clark County.** Is one of the largest soft drink producers in Kentucky and one of the few companies that still sells its product in returnable bottles (locally), averaging 1,500 cases of bottles returned daily.

**Katie Poston and Kayla Lancaster, Boone County.** For their efforts as fifth grade students at Burlington Elementary School to convince school officials to implement a paper recycling program.

**Barbara Kingsolver, Kentucky Author, Novelist.** For writing great stories while dealing with important environmental issues of the day.

**Jordan O'Rylee, Education Director, Dinsmore Homestead, Boone County.** For the development of an environmental education program that links history and the environment with student and family responsibility.

**Helen Alexander, Chairwoman, Bluegrass Conservancy, Fayette County.** For her efforts to conserve unique rural and cultural resources of the Bluegrass region.

**Donna Griffin, Jefferson County Public Schools Center for Environmental Education.** For her work to engage students in real world learning, discovery and exploration at the Blackacre Nature Preserve.

**Morehead State University Environmental Awareness Club, Rowan County.** For their efforts to clean up Tygarts Creek and build environmental awareness among college students.

**Chemical Weapons Working Group, Madison County.** For the group's efforts to research and demonstrate alternative technology for the destruction of nerve and other chemical agents stored at the Bluegrass Army Depot.

**Kentucky Envirothon.** A statewide competition that engages high school students in hands-on environmental problem solving while building ties between schools and communities.

**Donna Herndon and Bill Wells, City of Murray and Calloway County.** For developing the "Make a Difference Day" recycling program.

**Hopkins County 4-H Environmental Camp.** For the efforts of the Hopkins County Extension Council, 4-H Council, West Hopkins Accelerated School and Youth Development Services for organizing and funding an environmental camp to educate fourth and fifth grade students about natural resource stewardship.

**Green River Conservation Partnership, Green and Taylor Counties.** For the partnership between Dr. Richie Kessler, The Nature Conservancy and Mike Turner, U.S. Army Corps of Engineers, to restore and protect the upper Green River.

**Ockerman Elementary School, Boone County.** A resource school that uses flower and butterfly gardens, bird-houses and feeders and other outdoor education facilities to improve test scores while instilling an enthusiasm for learning using the world right outside their own back door.

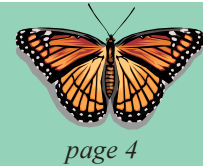
**Wm. Horace Brown, Shelby County - LIFETIME SERVICE AWARD.** As Chair of the Kentucky Environmental Education Council, past Chair of EQC and a longtime leader in promoting environmental awareness and action. visit the EQC Earth Day Web site at [www.kyegc.net](http://www.kyegc.net) to read more about the winners.

# Kentucky's Environment

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 4

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## State News

### **State Siting Board Denies Permit for Clark County Power Plant**

The State Board on Electric Generation and Transmission Siting denied the application of Ky. Pioneer Energy LLC to construct a 540-megawatt merchant power plant near Trapp in Clark County. The denial was based on the company's failure to demonstrate compliance with local planning and zoning regulations. To date, five companies have filed "notice of intent" applications with the siting board to build merchant power plants in Kentucky. They are:



- Kentucky Mountain Power, LCC, Knott County (near Hazard).
- Thoroughbred Generating Company, LLC, Muhlenburg County (Central City).
- Westlake Energy Corporation, Marshall County (Calvert City).
- Estill County Energy Partners, LLC, Estill County (near Irvine).
- Kentucky Pioneer Energy, LLC, Clark County (near Trapp).

Kentucky Mountain Power's application to build a coal-fired merchant plant in Knott County has obtained the required permits to begin construction. Thoroughbred Generating Company (a division of Peabody Energy) has obtained an air permit but has not made formal application to the Siting Board to build a merchant plant. The others are in various stages of review.

The siting board was created in 2002 after the state received some 30 proposals to build merchant power plants. Since merchant plants were not utilities, they were not subject to many of the regulations that affect traditional electric utilities. In 2002, Kentucky legislators responded to this inconsistency with the passage of SB 257 and by creating the Kentucky State Board on Electric Generation and Transmission Siting. The board reviews applications and, when appropriate, grants certificates to build electric generating facilities and transmission lines that are not regulated by the Kentucky Public Service Commission's utility rules. The siting requirements, along with nationwide economic conditions are cited as reasons why more merchant power plant proposals have not been formally filed with the siting board. For more information about the siting board and its decisions, visit [http://www.psc.state.ky.us/agencies/psc/siting\\_board/merchant.htm](http://www.psc.state.ky.us/agencies/psc/siting_board/merchant.htm)

## Conference Calendar

**May 12-15 - Managing Rivers As Life Sustaining Corridors: An Interagency Workshop.** Shepherdstown, W. Va. Visit [www.river-management.org](http://www.river-management.org) or contact: Mark Chase, FWS, (218)844-3402.

**May 10 - Ky. Section of the American Inst. of Professional Geologists Spring Meeting.** Mammoth Cave National Park. Contact: Donnie Lumm, (502) 564-8334.

**May 11-12 - Ky. EPSCoR Conference Special Conference on Biomarkers.** Hyatt Regency, Lexington. Visit [www.kyepscor.org](http://www.kyepscor.org). Contact: David White, [david.white@murraystate.edu](mailto:david.white@murraystate.edu) or call (270) 474-2272.

**May 13 - Youth Summit on Smart Growth.** Midway College. Contact Jane Eller, (800) 882-5271.

**May 16 - Ky. Geological Survey Annual Meeting: Research Highlights and Innovations in the Use of Digital Geologic Maps.** Univ. of Ky. Contact: Mandy Long, [along@kgs.mm.uky.edu](mailto:along@kgs.mm.uky.edu) or call (859)257-5500.

**May 29-30 - Solid Waste Coordinators of Kentucky Meeting.** Mammoth Cave Hotel, Mammoth Cave. Contact: Mary Shinkle at [mshinkle@boonecountky.org](mailto:mshinkle@boonecountky.org) or call (859)334-3151.

**May 31-June 1 - Design and Installation of Residential Solar Hot Water Systems Workshop.** Mount Vernon. Contact: ASPI at (606)256-0077.

**Aug. 5 - The Mold Challenge in Kentucky.** Holiday Inn Airport South, Louisville. Contact: National Business Institute at (800) 930-6182.

**Aug. 19-20 - Watershed Roundtable Conference.** Holiday Inn North, Lexington. Contact: Lee Colton, [lee.colton@mail.state.ky.us](mailto:lee.colton@mail.state.ky.us) or call (502)564-3410.



# ***Kentucky's Environment***

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 5

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **PUBLIC NOTICES/HEARINGS - PERMITS**

**Ky. Division of Water - Water Discharge Permits/Public Notices** *Contact: Pam Horne, (502) 564-3410 or see Web site: <http://water.nr.state.ky.us/dow/public.htm>.*

- **90 KPDES Water Discharge Permits.** (Public notice 2003 02-11).
- **Sandy Hook Wastewater Treatment Plant**, Sandy Hook (Elliott Co.) - Modification of an existing municipal sewer discharge from a publicly owned treatment works that enters the Little Sandy River at mile point 76.4; facility flow capacity is being increased (KY 0052264).
- **Laham River Terminal**, Maceo (Davies Co.) - Modification of an existing source discharge of storm water runoff from a river barge terminal that enters Kelly Creek at mile point 0.65; modification is due to addition of two new outfalls of storm water runoff from a fly ash fill area (KY 0104566).
- **Atofina Chemicals Inc.**, Calvert City (Marshall Co.) - Modification of an existing industrial wastewater discharge from a chemical manufacturing facility that enters the Tennessee River at mile point 15 and mile point 16; modification is due to consent decree with U.S. EPA Region IV that requires continuous pH monitoring (KY 0003603).
- **Ashland Inc.**, Martha (Lawrence Co.) - Modification of an existing source discharge of storm water and ground water from a construction site that enters the left fork of Blaine Creek at mile point 49.1 in Lawrence County and Keaton Fork at mile point 0.1 in Johnson County; modification is to incorporate discharge into Keaton Fork (KY 0104639).

**Ky. Division of Waste Mgmt. - Solid Waste Notices** *Contact: Anita Young, (502) 564-6716.*

- **Thoroughbred Generating Station**, Central City (Muhlenberg Co.) - Special waste landfill permit application to construct a landfill to dispose of coal combustion byproducts from a coal fired electrical generating station; application is administratively complete and ready for technical review (#089-00034).
- **Westvaco Kentucky L.P.**, Wickliffe (Ballard Co.) - Extend the expiration date of permit to June 28, 2013 (#004-00010).
- **Maysville-Mason County Landfill**, Maysville (Mason Co.) - Administrative review of application to provide for a horizontal expansion to the construction/demolition debris facility is complete; technical review has begun (#081-00006).

**Ky. Division of Waste Mgmt. - Hazardous Waste Notices** *Contact: Mary Ann Goins, (502) 564-6716.*

- **Fayette County Department of Transportation Facility**, Lexington. Tentative approval of a hazardous waste closure plan submitted by the Transportation Cabinet for paint storage, waste fuel and battery acid storage areas. The soil around the paint storage area has been sampled and found to be clean, but the soil around the other areas will be disposed of in an approved waste facility. Public comment ends May 19.
- **ROHM and HAAS Co.**, Louisville (Jefferson Co.). Final approval of a trial burn plan, human health risk assessment protocol and screening level ecological risk assessment protocol for a hazardous waste boiler. Boiler burns hazardous waste and will be added to the company's existing hazardous waste permit. When a draft of the modified permit has been prepared, another public notice will be issued. The facility has scheduled testing for the week of June 23-27, 2003.

**Ky. Division of Waste Mgmt. - Underground Storage Tanks** *Contact: Ramendra Dutta, (502) 564-3410.*

- **Clarence's Auto Service**, Fort Thomas, (Campbell Co.) (0602-019).
- **D & S Stop and Shop**, Flemingsburg, (Fleming Co.) (1556-035).

*[Continue viewing Public Notices](#)*

# Kentucky's Environment

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 6

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## PUBLIC NOTICES/HEARINGS - PERMITS (cont.)

**[Ky. Division for Air Quality - Public Notices](#)** *Contact: George Day, (502) 573-3382.*

- Conditional Major Source Construction/Operating Permit (Title V regs do not apply)** - KECO Industries Inc., Florence (Boone Co.)
- Conditional Major Source Operating Permit (Title V regs do not apply)** CR/PL LLC, Somerset (Pulaski Co.), N. Ky. Univ., Highland Heights (Campbell Co.), Transmontaigne Terminal, Owensboro (Daviess Co.).
- Title V Operating Permit** - Berea College, Berea (Madison Co.), Trus Joist, Chavies (Perry Co.), El Dupont, Wurtland (Greenup Co.).
- Significant Revision Title V Source** - LaFarge Corp., Silver Grove (Campbell Co.), JL French Corp., Glasgow (Barren Co.).
- Synthetic Minor Operating Permit at a Title V Source (PSD regs do not apply)** - Continental Web Press Inc., Walton (Boone Co.), Transmontaigne Terminal, Owensboro (Daviess Co.).
- Synthetic Minor Construction/Operating Permit at a Title V Source (PSD regs do not apply)** - Ky. Energy Project, Paintsville (Johnson Co.).
- Title V Construction/Operating Permit** - Century Aluminum of Ky., Hawesville (Hancock Co.).
- Significant Permit Revision Conditional Major Source (Title V regs do not apply)** - ADCOM Wire Co., Nicholasville (Jessamine Co.).
- Renew Conditional Major Permit** - Continental Web Press Inc., Walton (Boone Co.), Meritor Heavy Veh. Brk. Sys., Franklin (Simpson Co.).
- Renew Title V Permit** - North Star Steel, Calvert City (Marshall Co.).

## FUNDING and GRANTS

**Ky. Urban and Community Forestry Grant Program.** Eligible grantees include county or city governments, nonprofit organizations and educational institutions. Deadline for applications is May 30. *Contact: Sarah Gracey, at [sarah.gracey@mail.state.ky.us](mailto:sarah.gracey@mail.state.ky.us) or call (800)866-0555.*

## WEB SITES/PUBLICATIONS/INFORMATION OF INTEREST

- Total Maximum Daily Load (TMDL) Development for Nutrients (Total Phosphorus) for Town Branch (Fayette County, Ky.)** - The Division of Water is seeking public comments on a draft report addressing water quality problems associated with nutrients in Town Branch and South Elkhorn Creek. The draft report finds that the creek could not support aquatic life because of algal blooms brought on by high levels of nutrients. The report is part of the process to bring pollutants in Town Branch and South Elkhorn Creek to acceptable levels. **Comments are due by May 9.** The report may be viewed at: <http://www.water.ky.gov/dow/townbr.pdf>
- Mammoth Cave Environmental Assessment to Restore Endangered Mussels** - public review and comment period for a draft environmental assessment (EA) of a project at Mammoth Cave National Park, which will propagate and restore endangered mussels in the Green River. The review period closes May 30, 2003. The draft EA is available online at [www.nps.gov/mac/newsflash.htm](http://www.nps.gov/mac/newsflash.htm) or contact Henry Holman, (270)758-2254.
- New Federal Web Site for Regulations** - On this site, you can find, review and submit comments on federal documents and regulations that are open for public comment and published in the *Federal Register*, the government's legal newspaper. The site can be accessed at <http://www.regulations.gov>
- West Nile Virus in Ky.** - The West Nile Virus was documented in 90 percent of Kentucky's counties in either birds, horses, humans or mosquito pools during 2002. 75 human cases of the virus were recorded last year. Visit the Ky. Dept. of Public Health at [http://publichealth.state.ky.us/west\\_nile\\_virus.htm](http://publichealth.state.ky.us/west_nile_virus.htm) to access the 2002 surveillance report.

# Kentucky's Environment

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 7

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)



## Environmental Quality Commission Forum Kentucky's Environmental Future: Will We See Progress in the Years Ahead? Thursday, May 8, 2003 Room 125, Capitol Annex (Directly behind the State Capitol in Frankfort)

Will Kentucky see environmental progress in the years ahead? How will recent budget reductions affect the state's ability to protect the environment? EQC has invited state officials and others to review the vision and goals for a clean environment and the state's ability to achieve progress given current budget cuts.

### **1 p.m. - Ky. Environmental Strategic Plan: A Vision for the Future**

To view the plan visit <http://www.kyenvironment.org/nrepc/dep/ManagementPlan.pdf>

The state has laid out its vision for the future of Kentucky's environment. Can Kentucky achieve these goals? EQC has invited state officials and others to discuss the plan and its goal to improve environmental quality in Kentucky.

- **Russ Barnett**, Director, Ky. Institute for the Environment and Sustainable Development, University of Louisville
- **Robert Logan**, Commissioner, Dept. of Environmental Protection
- Questions and comments

### **2 p.m. - Budget Cuts and Impacts on Environmental Programs**

The Natural Resources and Environmental Protection Cabinet will experience significant reductions in its general fund budget over the remainder of fiscal years 2003 and 2004. Impacts of this budget reduction and its impact on environmental and natural resource programs will be reviewed.

- **Hank List**, Secretary, Natural Resources and Environmental Protection Cabinet

### **2:30 p.m. - Other Business**

#### **Proposed Regulation Review**

**Air** - 401 KAR 57-002, 60-005, 63-002, 52-080 to incorporate federal NESHAP and NSPS standards

**Waste** - 401 KAR 42:005 to change the definition of a cathodic protection tester for the underground storage tank program.

**Noncoal** - regulations governing noncoal mineral extraction and oil and gas drilling.

*The public is encouraged to attend EQC forums to discuss issues and offer input. All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters, and other services will be provided upon request by contacting EQC.*

*The Environmental Quality Commission is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions. The Environmental Quality Commission welcomes your input. To contact EQC call (502)564-2150 ext. 160, e-mail [EQC@mail.state.ky.us](mailto:EQC@mail.state.ky.us), or write to EQC at 14 Reilly Rd., Frankfort, KY 40601. You can also contact EQC through our Web site at [www.kyeqc.net](http://www.kyeqc.net).*

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# Kentucky's Environment

The E-Newsletter of the Environmental Quality Commission

April/May 2003

Volume 19, Issue 2



page 8

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## Kentuckians Voice Concerns

[continued from page 1](#)

### Environmental Quality Better, According to Poll

Kentuckians are fairly optimistic about the state of Kentucky's environment. Six out of 10 Kentuckians (63 percent) taking the poll indicated that environmental quality in Kentucky has gotten better during the past 10 years, indicating that efforts to protect the environment are making a difference. However, 21 percent of the respondents believed environmental quality had declined during the past 10 years. Another 14 percent said that there had been no change in environmental quality during the past decade.

### How Best to Protect the Environment

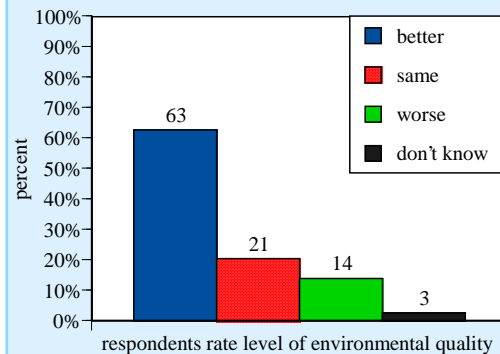
While Kentuckians are greatly concerned about the environment, they are almost equally divided on how best to protect it. The EQC poll reveals that 38 percent of the respondents believe environmental laws are too strict. Counter to that, 30 percent of the respondents said that environmental laws are not strict enough. Another 30 percent responded that environmental laws and regulations were appropriate.

### Enforcement Ranked As Greatest Need

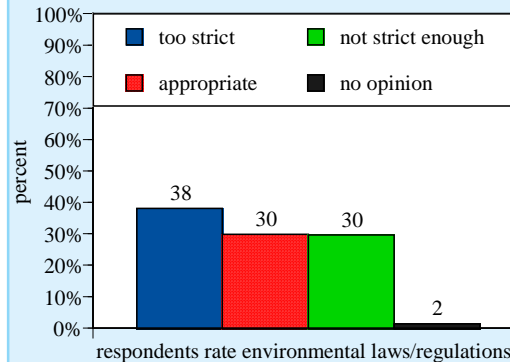
Kentuckians ranked stronger enforcement of environmental laws and regulations as the greatest need to improve environmental quality in the state. Other needs ranked in order of importance were environmental education, stronger laws and regulations, greater industry responsibility, additional funding for state environmental programs, greater individual responsibility and better public access to information.

To view a full copy of EQC 2002 online poll and findings visit <http://www.kyeqc.net/pubs/online survey.pdf>

### Environmental Quality Deemed Better



### Public Divided on How Best to Protect the Environment



### May is Asthma Awareness Month

In Kentucky, more than 70,000 children and 130,000 adults suffer from asthma. This chronic lung disease is often triggered by indoor and outdoor pollutants. For more information visit the U.S. EPA web site at <http://www.epa.gov/asthma/>. Or join with the American Lung Association walk and 5-K run on June 21 in Louisville to "Blow the Whistle on Asthma." For more information visit <http://www.kylung.org/>

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